IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY EIGHTH DAY OF OCTOBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 23210 of 2005

Between:

Chanumolu Financiers,

Door No.27/14/57, Chanumolu Complex,

Rajagopalachary Street,
Governorpet, Vijayawada-520 002

represented by its

Proprietor Chanumolu Narsimha Rao

..... PETITIONER

AND

The Commissioner of Police-cum-Competent Authority,

Suryaraopet, Vijayawada.

.....RESPONDENT

ORDER:

Seeking a Mandamus, declaring the action of the respondent in not concluding the investigation in respect of all the complaints that were received by him in the year 2001 till date, as illegal and arbitrary, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Home.

It is stated that the respondent filed charge sheets in seven cases and there are some more complaints filed against the petitioner are pending with the respondent. Without filing charge sheets in all other similar cases, the trial is being posted on 02.11.2005 in the seven cases. It is stated that under Section 220 of the Code of Criminal Procedure, *if, in one series of acts so connected together as to form the same, more offences than one are committed by the same person, he may be charged with, and tried at one trial for, every such offence*. It is further stated that unless and until the investigation is completed in respect of all the complaints and charge sheets are filed, conduct of the trial would jeopardize the interests of the petitioner and he has to face the trial as and when the charge sheet is filed in every subsequent case. Therefore, the petitioner is constrained to file this writ petition. The petitioner also seeks a direction to stay the trial of cases, in which charge sheets are filed.

The learned counsel for the petitioner submitted that if this Court is not inclined to grant stay of the trial of the cases in which charge sheets are filed, the petitioner may be permitted to file an application before the concerned Special Court, i.e. Metropolitan Sessions Judge, Vijayawada to seek appropriate direction for deferring of trial of the cases till the charge sheets in all the connected F.I.Rs are filed.

Having regard to the facts and circumstances of the case, without entering into the merits of the case, I deem it appropriate to dispose of the writ petition, granting liberty

to the petitioner to file appropriate application before the Metropolitan Sessions Judge, Vijayawada, raising all his contentions. On filing such application, the learned Metropolitan Sessions Judge, Vijayawada may consider and dispose of the same, as expeditiously as possible, in accordance with law.

With the above observations, the Writ Petition is disposed of. No order as to costs.

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V.ESWARAIAH,J

Dated: 28.10.2005

Dsr

Note:

Issue CC in two days

B/o

Dsr